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EXAMINER	
HARBECK, TIMOTHY M	

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3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,535	SHAW ET AL.	
	Examiner	Art Unit	
	Timothy M. Harbeck	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-163* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-163* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-51, 68-104 and 121-147 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman et al (hereinafter Silverman '082, US PAT 5,924,082) in view of Kulkosky ("Making Connections in Off-Exchange Trading." Wall Street & Technology. New York: Oct 1993. Vol.11, Iss. 5; pg. 14, 4 pgs).

Re Claim 1: Silverman '082 discloses a negotiated matching system comprising the steps of:

- Receiving indications of interest from potential transferees and potential transferors into a central processing system, each indication of interest involving a transfer of a specific item (Column 3, lines 56-60)
- Anonymously comparing indications of interest received from potential transferees with indications of interest received from potential transferors within the central processing system to determine whether a match has occurred (Column 4, lines 4-12)

- Identifying contra-parties to a transaction based on said determination of whether a match has occurred (Column 4, lines 35-39)
- Providing contacting means to the authorized representative to allow the authorized representative to contact the contra-parties so that a transaction can be consummated between the contra parties (Column 4, lines 39-41; Figure 2 Ref 221 "enable electronic communication").
- Consummating the transaction between the contra-parties through direct consummation by the authorized representative and the contra-parties (Column 4, lines 41-49)

Silverman '082 does not explicitly disclose the step of notifying the authorized representative of the contraparty. However Silverman '082 discloses both the notification step and the introduction step (Column 7, lines 50-53) between the contraparties and while not specifically stating whether the contraparties may or may not have representatives speaking or acting on their behalf, it was common knowledge and therefore would have been obvious to allow the system to execute either type of communication. For years some individuals have used brokers to negotiate and execute trades on their behalf, while other individuals choose to act themselves. The use of "contraparty" implies a group of people participating in a similar task, and one skilled in the ordinary art would logically assume that this would include any and all persons (including representatives) associated with that party. Therefore enabling communication between members of that party in any combination (party-rep, party-party, rep-rep) would be obvious.

Silverman '082 does not explicitly disclose the step wherein the indications of interest are received from an order management system integrated with the central processing system. Kulkosky discloses a number of crossing and trading networks such as Instinet, a trading network which offers an Order Management System that allows users to enter lists of orders with defined trading strategies and to track and modify these strategies in real time based on cash or market considerations (See Abstract). Kulkosky also discloses the system of Bernard Madoff Securities, which provides an automated trading system allowing other broker/dealers to interface their own order-routing systems into the Madoff system (Page 3). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Kulkosky to those of Silverman '082 to further increase the efficiency of the trading process. The Order Management Systems disclosed allow for the integration of differently structured indications of interest, which would allow potential parties to a transaction to not be limited by one particular format when first indicating their preferences. Adjusting the system to the customer, and not vice versa would allow for easier integration with more users thereby increasing the odds of a potential match, which is the ultimate goal of the Silverman '082 system.

Re Claim 2: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 further discloses the step wherein at least one of the received indications of interest involves the transfer of an equity security (Column 3, lines 51-55).

Re Claim 3: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 further discloses the step wherein at least one of the received indications of interest involves the transfer of a debt security (Column 3, lines 51-55).

Re Claim 4: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 further discloses the step wherein at least one of the received indications of interest involves the transfer of a derivative security (Column 3, lines 51-55).

Re Claim 5 and 6: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 further discloses the step wherein at least one of the received indications of interest contains a limit as to the acceptable price per unit of the specific item that is the subject of its associated transaction and minimum acceptable total value of its associated transaction (Column 7, lines 25-30). Silverman '082 notes that price is a parameter entered by the user and it would have been obvious to someone skilled in the ordinary art that this indication of price would include placing limits on the price (per unit or total value), since this was a well-known operation in trading financial instruments.

Re Claim 7: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 further discloses the step wherein at least one of the received indications of interest contain a limit as to the minimum acceptable number of units to be purchased or sold in connection with the transaction (Column 7, lines 25-30). Silverman '082 notes that quantity is a parameter entered by the user and it would have been obvious to someone skilled in the ordinary art that this indication of quantity would

include placing limits as to the minimum acceptable number of limits, since this was a well-known operation in trading financial instruments.

Re Claim 8: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 further discloses the step wherein at least one of the received indications of interest includes ancillary information not used in determining whether a match has occurred in said comparing step but which is transmitted to a matched contra-party during said consummating the transaction step to assist in consummation by the contra-parties (Column 4, lines 35-49). The system as disclosed by Silverman '082, first matches potential contra-parties based on a first set of parameters and then provides the parties with additional information once the match has occurred (i.e. attributes of the potential counter party) that further assist with the transaction process. This type of information would be useful to a user of the system so they get a better profile of the counter party and can further manage the potential risk of the transaction.

Re Claim 9: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 further discloses the step wherein a match between a potential transferee and a potential transferor is not determined to have occurred in said comparing step unless any price per unit limits established by each of the potential transferee and the potential transferor are satisfied (Column 7, lines 37-42). It was established in the rejection of claim 5 that limits on the price per unit are a type of parameter that a user could input into the Silverman '082 system. The system uses these parameters in the matching function and therefore if another offer does not satisfy this parameter, it will not be matched by the computer.

Re Claim 10: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 further discloses the step wherein a match between a potential transferee and a potential transferor is not determined to have occurred in said comparing step unless any minimum acceptable total values of the transaction are established by each of the potential transferee and the potential transferor, respectively, are satisfied (Column 7, lines 37-42). It was established in the rejection of claim 6 that a minimum acceptable total value of the transaction is a type of parameter that a user could input into the Silverman '082 system. The system uses these parameters in the matching function and therefore if another offer does not satisfy this parameter, it will not be matched by the computer.

Re Claim 11: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 further discloses the step wherein a match between a potential transferee and a potential transferor is not determined to have occurred in said comparing step unless any minimum acceptable number of units established by each of the potential transferee and transferor, respectively, is satisfied (Column 7, lines 37-42). It was established in the rejection of claim 7 that a minimum acceptable number of units is a type of parameter that a user could input into the Silverman '082 system. The system uses these parameters in the matching function and therefore if another offer does not satisfy this parameter, it will not be matched by the computer.

Re Claim 12: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 further discloses the step wherein said providing step also

includes providing contacting means directly to the contra-parties (Column 7, lines 50-53).

Re Claim 13: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 further discloses the step wherein a match is not determined to have occurred between a potential transferee and a potential transferor in said comparing step unless all input fields making up the indication of interest entered by the potential transferee matches all input fields making up the indication of interest entered by the potential transferor (Column 7, lines 25-30). Silverman '082 discloses that users can enter firm parameters (non-negotiable). In this manner if the user only entered firm parameters, all the criteria would have to be met in order for a match to occur.

Re claim 14: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 further discloses the step wherein a match is determined to have occurred between a potential transferee and a potential transferor in said comparing step even though all input fields making up the indication of interest entered by the potential transferee do not match all input fields making up the indication of interest entered by the potential transferor (Column 7, lines 25-30). Silverman '082 discloses that users can enter soft parameters (negotiable). In this manner if the user has entered soft parameters, all the criteria would not have to be met directly in order for a match to occur, and potential contra-parties can further negotiate on some of the parameters.

Re Claim 15 and 16: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 discloses the claimed method supra and while not

explicitly disclosing the step wherein an indicator of interest from a potential transferee or transferor is not received into the central processing system unless the potential transferee or transferor makes a good faith deposit, this could easily be incorporated as a firm parameter entered by the user (Column 7, lines 25-30). The user could simply state that the transaction will not occur without a good faith deposit on the transaction. It would have been obvious to someone skilled in the ordinary art at the time of invention to include this entry as a firm parameter to further reduce one's exposure to the risk of a default by the contra-party. The computer would therefore not execute the trade unless this parameter was met.

Re Claim 17: Silverman '082 in view of Kulkosky discloses the claimed method supra and Silverman '082 further discloses the step of reporting the consummation and terms of the transaction to the central processing system (Column 7 line 54- Column 8 line 2).

Re Claims 18- 34: These claims essentially contain the same limitations as claims 1-17 respectively. There is a slight difference involving the type of contact defined between independent claims 1 and 18. Claim 1 defines that the contact is between a party's representative and the other party (rep-party); whereas Claim 18 defines that the contact is between the representatives of the parties (rep-rep) Silverman '082 discloses both the notification step and the introduction step (Column 7, lines 50-53) between the contraparties and while not explicitly disclosing wherein the contraparties may or may not have representatives speaking or acting on their behalf, it was common knowledge and therefore would have been obvious to allow the system to

execute either type of communication. For years some individuals have used brokers to negotiate and execute trades on their behalf, while other individuals choose to act themselves. The use of "contraparty" implies a group of people participating in a similar task, and one skilled in the ordinary art would logically assume that this would include any and all persons (including representatives) associated with that party. Therefore enabling communication between members of that party in any combination (party-rep, party-party, rep-rep) would be obvious. The remaining limitations in the claims are essentially the same as the previously rejected claims and are therefore rejected using the same art and rationale.

Re Claims 35-50: These claims contain essentially the same limitations as claims 1-11 and 13-17 respectively. The claims are rejected along similar lines to the rejections of claims 18-34. In this instance Claim 1 defines that the contact is between a party's representative and the other party (rep-party); whereas Claim 35 defines that the contact is between the contraparties themselves (party-party). Again, the fact that some persons act alone and some use representatives such as brokers, is nothing new to anyone skilled in the ordinary art and it would have been obvious to anyone skilled in the ordinary art to allow for either type of communication because both instances would happen quite frequently. The remaining limitations in the claims are essentially the same as the previously rejected claims and are therefore rejected using the same art and rationale.

Re Claims 51, 68-74 and 75-77: Further system claim would have been obvious to perform method claims 1, 2-8 and 12-14 respectively and are therefore rejected using the same art and rationale.

Re Claim 78: This claim contains essentially the same limitations as claim 1. The only difference is that the contraparties are notified as opposed to the authorized representative and the indication of interest represents a non-firm expression of potential interest in transacting an item. In the case where a contra party is acting on its on behalf, it can be properly said that the contra-parties authorized representative is his or herself and therefore this aspect of the claim is rejected using the same art and rationale as claim 1. Furthermore, Silverman '082 discloses the use of soft parameters pertaining to the bids and offers (Column 7, lines 25-30). These so-called soft parameters are non-firm in that they are not binding the user to the parameters entered, but instead are negotiable once a potential match occurs. The remaining aspects of this claim are similar to previously rejected method claim 1 and are therefore rejected using the same art and rationale.

Re Claims 79-93: Silverman '082 in view of Kulkosky discloses the claimed method supra and these claims contain the same limitations as claims 2-17 respectively and are therefore rejected using the same art and rationale.

Re Claims 94-101, 102 and 103-104: Further system claim would have been obvious to perform previously rejected method claims 78-85, 75 and 86-87 respectively and are therefore rejected using the same art and rationale.

Re Claim 121: Silverman '082 discloses a negotiated matching system comprising the steps of:

- Receiving prospective transaction entries from potential transferees and potential transferors into a central processing system, each indication of interest involving a transfer of a specific item (Column 3, lines 56-60)
- Anonymously comparing prospective transaction entries received from potential transferees with prospective transaction entries received from potential transferors within the central processing system to determine whether a match has occurred (Column 4, lines 4-12)
- Identifying contra-parties to a transaction based on said determination of whether a match has occurred (Column 4, lines 35-39)
- Notifying the authorized representative of the contra-parties that a match has occurred (Column 4, lines 39-41).

Silverman '082 does not explicitly disclose the step wherein the indications of interest are received from an order management system integrated with the central processing system. Kulkosky discloses a number of crossing and trading networks such as Instinet, a trading network which offers an Order Management System that allows users to enter lists of orders with defined trading strategies and to track and modify these strategies in real time based on cash or market considerations (See Abstract). Kulkosky also discloses the system of Bernard Madoff Securities, which provides an automated trading system allowing other broker/dealers to interface their own order-routing systems into the Madoff system (Page 3). It would have been

obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Kulkosky to those of Silverman '082 to further increase the efficiency of the trading process. The Order Management Systems disclosed allow for the integration of differently structured indications of interest, which would allow potential parties to a transaction to not be limited by one particular format when first indicating their preferences. Adjusting the system to the customer, and not vice versa would allow for easier integration with more users thereby increasing the odds of a potential match, which is the ultimate goal of the Silverman '082 system.

Re Claims 122-136: Silverman '082 in view of Kulkosky discloses the claimed method supra and these claims contain the same limitations as claims 2-17 respectively and are therefore rejected using the same art and rationale.

Re Claims 137-144: Further information management system claims would have been obvious to perform previously rejected method claim 121-28 respectively and are therefore rejected using the same art and rationale.

Re Claim 145: Silverman '082 discloses the claimed method supra and further discloses wherein said means for providing contact includes contact directly between the contraparties (Column 7, lines 50-53)

Re Claims 146-147: Further information management system claims would have been obvious to perform previously rejected method claim 132 and 133 respectively and are therefore rejected using the same art and rationale

Claims 52-67, 105-120 and 148-163 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou et al (hereinafter Chou, US PAT 6,055,504) in view of Silverman '082.

Re Claim 52: Chou discloses a method and system for accommodating electronic commerce in a communication network capacity market including:

- A network, including a secure station and a plurality of remote terminals having respective user identities and communicatively linked to the secure station for data transmission between the secure station and the user terminals (Figure 3).
- A search component operatively coupled to the memory and adapted to perform a comparison of the stored entries with respect to the transferable item indications and the transaction side indications and, based on said comparison, to select sets of two or more of the stored entries as matching entries having the same transferable item indication and together including transaction side indications identifying the opposing transaction sides (Column 4, lines 7-12)
- A data security component for restricting access to any given prospective transaction entry, even if unmatched, stored in the memory to (i) the user identity corresponding to the given entry; and (ii) the user identities corresponding to the other entries that includes the give entry (Column 1, lines 23-34; Column 2, lines 12-14)

Chou does not explicitly disclose:

- A message sending component operatively coupled to the search component and to the memory and adapted, in response to the selection of each said set of matching entries, to generate a prospective transaction message including the transaction indication and the user identity corresponding to each of the matching entries and further adapted to provide the prospective transaction message to the user terminals associated with said corresponding user identities, thus to facilitate an interaction among users associated with the user terminals to complete a transaction involving the transferable item

Silverman '082 discloses a negotiated matching system wherein a message-sending component coupled to the search component allows perspective counterparties to negotiate potential transactions. The system thus facilitates an interaction among the users to complete the transaction involving the transferable item (See Fig 2, lines 220-225). Furthermore Chou notes that, as a design choice, some users of the system might make use of a negotiated system, depending on their preference (Column1, lines 52-59). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the negotiated feature to Chou in order to appeal to a broader audience.

Re Claim 53: Chou in view of Silverman '082 discloses the claimed system supra but does not explicitly disclose the step wherein said message sending component provides the prospective transaction message substantially simultaneously

to the user terminals associated with said corresponding user identities. However Chou does disclose that the system utilizes the Internet, telephone, EDI or email that, as is well known and therefore obvious to anyone skilled in the ordinary art, provides messages substantially simultaneously to the intended recipient.

Re Claim 54: Chou in view of Silverman '082 discloses the claimed system supra but does not explicitly disclose a menu for enabling users to select transferable item indications corresponding to different types of transferable items. However Chou does maintain a list of valid bids for each (i.e. more than one) commodity (Column 4, lines 4-6). It would have been obvious to anyone skilled in the ordinary art to include a menu that lists the types of commodities so that users of the system have a way to see commodities that currently have market activity. In this way they can possibly adjust their prospective entries if their original entries do not currently have a market.

Re Claim 55: Chou in view of Silverman '082 discloses the claimed method supra and further discloses wherein said menu is stored in memory (Column 4, lines 4-6).

Re Claim 56: Chou in view of Silverman '082 discloses the claimed system supra but does not explicitly disclose the step wherein the data security component includes a plurality of user pages maintained at the secure station, each of the user pages being associated with and accessible only by one of the users. However, Chou does disclose that a problem with current systems is that interest to buy or sell a commodity gives competitors information about a company's expectations (Column 1, lines 26-29). Therefore it would have been obvious to anyone skilled in the ordinary art

to have a user page, thus allowing the owner of that page to check on their bids and matches, that is not accessible by anyone other user so as to prevent unwanted information from being disclosed to competitors.

Re Claim 57: Chou in view of Silverman '082 discloses the claimed system supra and further discloses the step wherein each of the prospective entries includes a further indication selected from a group consisting of: an amount indication; a price indication designating an acceptable price or an acceptable price range; and a time limit indication (Column 3, lines 50-60).

Re Claim 58: Chou in view of Silverman '082 discloses the claimed system supra and further discloses an apportionment component (Column 4, lines 10-12). Chou discloses that outcomes are a set of contracts, which include commodity allocations or, in other words, an apportionment component.

Re Claim 59: Chou in view of Silverman '082 discloses the claimed method supra and further discloses wherein the memory includes an active segment for storing prospective transaction entries (Column 4, lines 4-6). Since the objective of the Chou system is to find feasible matches it would be inherent that whenever a match is deemed "feasible" it will be matched with the appropriate counter offer. The feasibility of the match would include the matching of any and all requirements as specified by the users of the systems.

Re Claim 60: Chou in view of Silverman 082 discloses the claimed system supra and while not explicitly disclosing a pending segment for storing prospective transaction entry as active or pending, wherein the memory includes an active memory

segment for storing entries designated active and an inactive segment for storing entries designated as pending and means for transferring an entry from one of said segments to the other in response to a change in the designation, Chou does maintain a list of unexecuted bids and asks which would constitute a pending segment. Furthermore the rules engine aspect of Chou would allow a user to make such rules as "do not execute until (parameter)" which would signal the processor to activate the transaction at a specific point. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include this feature to the disclosure of Chou in view of Silverman so that a user can properly control the timing of execution of a transaction.

Re Claim 61: Chou in view of Silverman 082 discloses the claimed system supra and in following the aforementioned rejection of claim 60, a user of the Chou system could utilize the rules engine in a manner consistent with their agenda. This would include designating the transaction as pending or active.

Re Claim 62: Chou discloses a method and system for accommodating electronic commerce in a communication network capacity market including

- Receiving, from a plurality of remote user locations, user information including user identities, and transaction information in the form of prospective transaction entries, each of the entries including a transferable item indication and a transaction side indication identifying one of two opposing transaction sides (Column 3, lines 34-41).

- Storing the user information and the prospective transaction entries into memory (Column 4, lines 4-6).
- Searching the memory to perform a comparison of the stored entries with respect to the transferable item indications and the transaction side information (Column 4, lines 7-12)
- Based on said comparison, selecting matching entries to form sets of two or more of the matching entries having the same transferable item indication and together including transaction side indications identifying the opposing transaction sides (Column 4, lines 7-12)
- Restricting access to any given prospective transaction entry to (i) the user identity corresponding to the given entry; and (ii) the user identities corresponding to the other entries in any of said sets of entries that includes the given entry (Column 1, lines 23-34; Column 2, lines 12-14).

Chou does not explicitly disclose wherein

- In response to selecting each of the sets of entries, generating a prospective transaction message including the transaction indication and user identity corresponding to each of the matching entries, and providing the prospective transaction message to the user locations associated with the corresponding user identities, thereby to enable the associated users to contact one another toward a completion of transaction involving the transferable item.

Silverman '082 discloses a negotiated matching system wherein a message-sending component coupled to the search component allows perspective counterparties to negotiate potential transactions. The system thus facilitates an interaction among the users to complete the transaction involving the transferable item (See Fig 2, lines 220-225). Furthermore Chou notes that, as a design choice, some users of the system might make use of a negotiated system, depending on their preference (Column1, lines 52-59). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the negotiated feature to Chou in order to appeal to a broader audience.

Re Claim 63: Chou in view of Silverman '082 discloses the claimed system supra and Silverman '082 further discloses the step wherein said providing the prospective transaction message includes providing said message substantially simultaneously to the user terminals associated with the corresponding user identities (Column 7, lines 50-53; "automatically signals").

Re Claim 64: Chou in view of Silverman '082 discloses the claimed system supra and Silverman '082 further discloses the step wherein prior to receiving the prospective transaction entries from a given user, authorizing the given user based on the given user's meeting of predetermined qualification requirements (Column 37-42). The given user must meet the predetermined parameters of the transaction before they are authorized to receive the prospective transaction entries.

Re Claim 65: Chou in view of Silverman '082 discloses the claimed system supra and Chou further discloses the step wherein said restricting access includes

maintaining at the secure location a plurality of user pages, each user page personalized to and accessible only by an associated one of the user locations (Column 1, lines 23-34; Column 2, lines 12-14).

Re Claim 66: Chou in view of Silverman '082 discloses the claimed system supra and Silverman '082 further discloses the step wherein each of the prospective transaction entries further optionally includes a condition, and the process further includes identifying the prospective transaction entries that includes a condition, and monitoring each of the entries to determine whether the associated condition is satisfied (Column 7, lines 37-42). The matching computer examines each prospective entry for appropriate parameters as set forth by other transactions and determines matches based on whether these parameters are satisfied.

Re Claim 67: Chou in view of Silverman '082 discloses the claimed method supra and further discloses an apportionment component (Column 4, lines 10-12). Chou discloses that outcomes are a set of contracts, which include commodity allocations or, in other words, an apportionment component.

Re Claim 105: Chou discloses a method and system for accommodating electronic commerce in a communication network capacity market including

- A network, including a secure station and a plurality of remote terminals having respective user identities and communicatively linked to the secure station for data transmission between the secure station and the user terminals (Figure 3).

- A search component operatively coupled to the memory and adapted to perform a comparison of the stored entries with respect to the transferable item indications and the transaction side indications and, based on said comparison, to select sets of two or more of the stored entries as matching entries having the same transferable item indication and together including transaction side indications identifying the opposing transaction sides (Column 4, lines 7-12)
- A data security component for restricting access to any given prospective transaction entry, even if unmatched, stored in the memory to (i) the user identity corresponding to the given entry; and (ii) the user identities corresponding to the other entries that includes the give entry (Column 1, lines 23-34; Column 2, lines 12-14).

Chou does not explicitly disclose:

- Wherein the indication of interest includes a non-firm transferable item indication of interest
- A message sending component operatively coupled to the search component and to the memory and adapted, in response to the selection of each said set of matching entries, to generate a prospective transaction message including the transaction indication and the user identity corresponding to each of the matching entries and further adapted to provide the prospective transaction message to the user terminals associated with said corresponding user identities, thus to facilitate an

interaction among users associated with the user terminals to complete a transaction involving the transferable item.

Silverman '082 discloses a negotiated matching system wherein a message-sending component coupled to the search component allows perspective counterparties to negotiate potential transactions. The system thus facilitates an interaction among the users to complete the transaction involving the transferable item (See Fig 2, lines 220-225). Furthermore Chou notes that, as a design choice, some users of the system might make use of a negotiated system, depending on their preference (Column1, lines 52-59). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the negotiated feature to Chou in order to appeal to a broader audience.

Re Claims 106-120: These dependent claims contain essentially the same limitations as previously rejected dependent claims 53-67 and therefore, coupled with the previous rejected independent claim 105 above, are rejected using the same art and rationale.

Re Claim 148-157: Further system claims would have been obvious to perform previously rejected process claims 52-61 respectively and are therefore rejected using the same art and rationale

Re Claim 158: Chou discloses a method and system for accommodating electronic commerce in a communication network capacity market including

- Receiving, from a plurality of remote user locations, user information including user identities, and transaction information in the form of

prospective transaction entries, each of the entries including a transferable item element and a transaction side indication identifying one of two opposing transaction sides (Column 3, lines 34-41).

- Storing the user information and the prospective transaction entries into memory (Column 4, lines 4-6).
- Searching the memory to perform a comparison of the stored entries with respect to the transferable item elements and the transaction side information (Column 4, 7-12)
- Based on said comparison, selecting matching entries to form sets of two or more of the matching entries having the same transferable item element and together including transaction side indications identifying the opposing transaction sides (Column 4, lines 7-12)
- Restricting access to any given prospective transaction entry to (i) the user identity corresponding to the given entry; and (ii) the user identities corresponding to the other entries in any of said sets of entries that includes the given entry (Column 1, lines 23-34; Column 2, lines 12-14).

Chou does not explicitly disclose wherein

- In response to selecting each of the sets of entries, generating a prospective transaction message including the transaction indication and user identity corresponding to each of the matching entries, and providing the prospective transaction message to the user locations associated with the corresponding user identities, thereby to enable the associated users

to contact one another toward a completion of transaction involving the transferable item.

Silverman '082 discloses a negotiated matching system wherein a message-sending component coupled to the search component allows perspective counterparties to negotiate potential transactions. The system thus facilitates an interaction among the users to complete the transaction involving the transferable item (See Fig 2, lines 220-225). Furthermore Chou notes that, as a design choice, some users of the system might make use of a negotiated system, depending on their preference (Column1, lines 52-59). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the negotiated feature to Chou in order to appeal to a broader audience.

Re Claims 159-163: Chou in view of Silverman '082 discloses the claimed method supra and these claims contain the same limitations as claims 63-67 respectively and are therefore rejected using the same art and rationale.

Response to Arguments

Applicant's arguments with respect to claims 52-67, 105-120 and 148-163 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 1-51, 68-104 and 121-147 filed 1/11/2006 have been fully considered but they are not persuasive. Applicant has argued that modifying the Silverman '082 reference to receive indications of interest or prospective transaction entries via an integrated OMS would defeat the functionality of the individualized ranking and filtering feature because the ranking feature requires

individual interaction with the system and OMS do not allow for individual interaction. However as Kulkosky points out, a popular OMS known as Instinet allows users to enter lists of orders with defined trading strategies and to *track and modify these strategies* (Page 2, paragraph 5). In order for a user to track and/or modify their trading strategies, they would have to have individual interaction with the system. It follows then that an Order Management System, specifically the well-known Instinet, can be operable using individual remote terminals. Therefore the rejections involving claims 1-51, 68-104, 121-147 are maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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